

U.S. EPA Region IX Update

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U.S. EPA Region IX



EPA Update: Enforcement Cases

■ Biotechnology:

- 2 Civil Complaints
- Companies involved: Dow and Pioneer
- BT type corn with no tolerances.
- Did not follow the permit conditions specified in the Experimental Use Permit (EUP).



EPA Update: Enforcement Cases

- Homeland Security:
- Several cases still pending
- 1. We identified most risky chemicals (pesticides), by looking at current registrations and finding a gap in Section 7 (5700 form) reporting.
- Our goal is to have all Producing Establishments report to EPA so we have a better understanding of where and what is being produced.
- 2. "Anthrax-killing" Products
 - We have been working with HQ to issue SSUROS for these type of products. 2 were issued in AZ and 1 in UT through Region IX efforts.



Drift



- Cases:
 - 1 Case pending from AZ. It is an important example we will present to HQ about the challenges presented when taking drift enforcement action
- Drift Label Language:
 - EPA has had an interim drift language, but through the re-registration process, drift language has come to the forefront.
 - Some of you have only the language of the label which allows you to enforce drift. This is why the "drift language" on the label is extremely important.
 - Others of you have your own drift language that can be enforced.
 - Either way, the issue of "drift language" is very important to all of you out in the field.

Use and RUPs

- Navajo Nation Fish and Wildlife Department (NNFWD)
- Misuse of RUP and use of 2 RUPs by uncertified applicator(s.)
- With help from Navajo Nation Environmental Protection Agency (NNEPA) U.S. EPA issued an Advisory Letter last month.
- History:
 - Navajo Nation Agriculture Department (NNAD) gifted several cases of Fumitoxin (Aluminum Phosphide) to NNFWD. NNFWD used this registered grain fumigant as a rodenticide to kill prairie dogs. NNFWD (the registrant) also purchased M-44s (Sodium Cyanide) from the manufacturer USDA-APHIS to kill coyotes on rangeland. NNFWD has no certified applicators. Since there is no Federal Certification and Training Program, there is currently no way to become a certified applicator in Indian Country.

National Focus:

- WPS:
- Internet/E-Commerce:
 - We are working towards taking internet cases. Addressing legal challenges such as "documenting a sale" via the internet.
- Anti-microbial Efficacy:
 - We are addressing concerns of anti-microbials and their efficacies.

Issues:

- Mold:
- West Nile Virus:
- New Labels:
 - Labels are changing. A lot of products are going through the re-registration process. You may be familiar with the old version of the label, but now there may be a new version. For example: "Irrigators are required to carry an eyewash for 7 days after an application has occurred."
 - What issues are you facing?